

BY SENATOR MCPHERSON

A JOINT RESOLUTION

CODING: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

(2) "Public purposes" shall be limited to a general public right to a definite use of the property taken, the use of the property taken for utility or other common carrier, or the removal of a threat to public health or safety with the existing use of the property taken. "Public purposes" shall not otherwise include (a) use by a private entity or individual, even though it may prove beneficial or profitable to some portion of the public, or (b) economic development.

(3) In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction.

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Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 7, 2006.

Section 3. Be it further resolved that on the official ballot to be used at said election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read as follows:

To provide that "public purpose" for which property may be expropriated shall be limited to a general public right to a definite use of the property taken, the use of the property taken for utility or other common carrier, or the removal of a threat to public health or safety with the existing use of the property taken and shall not otherwise include (a) use by a private entity or individual, even though it may prove beneficial or profitable to some portion of the public, or (b) economic development.

(Amends Art. I, Sec. 4(B))

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

Present constitution provides that every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

Present constitution provides that private property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Further, property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question.

Proposed constitution provides that "public purpose", for which property may be expropriated, shall be limited to a general public right to a definite use of the property taken, the use of the property taken for utility or other common carrier, or the removal of a threat to public health or safety with the existing use of the property taken. "Public purposes" shall not otherwise include (a) use by a private entity or individual, even though it may prove beneficial or profitable to some portion of the public, or (b) economic development. Otherwise, retains present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 7, 2006.

(Amends Const. Art. I, Sec. 4(B))